

Entered -9-25-02 sb  
CL 02L0671 - GWENDOLYN BURNS

CLAIM OF:

**OLIVER HART**  
2868 Darrah Way  
Atlanta, Georgia 30331

**02- R -1822**

For vehicular damages alleged to have been sustained from a an  
automobile accident on August 28, 2002 at Bankhead Highway,  
NW & Bolton Road, NW.

THIS ADVERSED REPORT IS  
APPROVED

BY:

  
**ROSALIND RUBENS NEWELL**  
DEPUTY CITY ATTORNEY

ADVERSED BY  
CITY COUNCIL NOV 04 2002

## ADVERSE REPORT

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 10/29/02

CHAIR: [Signature]

[Signature]

[Signature]

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[Signature]

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**CITY OF ATLANTA  
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103**

November 6, 2002

Mr. Oliver Hart  
2868 Darrah Way  
Atlanta, Georgia 30331

**02-R-1822**

Dear Mr. Hart:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on November 4, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 02L0671

Date: October 15, 2002

Claimant /Victim OLIVER HART  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 2868 Darrah Way, Atlanta, Georgia 30331  
Subrogation: \_\_\_\_\_ Claim for Property damage:\$ 3,051.93 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 9/20/02 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 8/28/02 Place: West Peachtree Street, NE & 7<sup>th</sup> Street, NE  
Department PUBLIC WORKS Division SEWER OPERATIONS  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

**NATURE OF CLAIM:** Claimant alleges that he sustained vehicular damage when his vehicle was struck by a City vehicle that "ran a red light". However, an investigation determined that the City vehicle entered the intersection after receiving a green turn arrow to make a left turn in the intersection and as he did so, he struck the claimant's vehicle which failed to exit the intersection prior to the light change.

**INVESTIGATION:**

Statements: City employee X Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral X  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police X Dept Report \_\_\_\_\_ Other \_\_\_\_\_  
Traffic citations issued: City Driver X Claimant Driver X  
Citation disposition: City Driver Dismissed Claimant Driver Dismissed

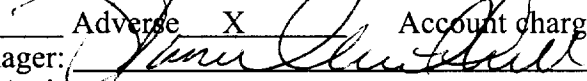
**BASIS OF RECOMMENDATION:**

Function: Governmental X Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent X City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

**RECOMMENDATION:**

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2P01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 10-16-02  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 4209  
11/04/02  
6:38 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-10; Except 02-R-1871  
02-R-1885; 02-O-1879  
ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	B Norwood
Y Young	Y Shook	Y Maddox	Y Willis
NV Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

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**11/08/02 Council Meeting**

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**ITEMS ADOPTED ON CONSENT****AGENDA**

1. 02-O-1730
2. 02-O-1733
3. 02-O-1734
4. 02-O-1891
5. 02-O-1537
6. 02-O-1550
7. 02-R-1587
8. 02-R-1893
9. 02-R-1857
10. 02-R-1858
11. 02-R-1883
12. 02-R-1901
13. 02-R-1851
14. 02-R-1852
15. 02-R-1729
16. 02-R-1910
17. 02-R-1846
18. 02-R-1862
19. 02-R-1626
20. 02-R-1855
21. 02-R-1876
22. 02-R-1815
23. 02-R-1816
24. 02-R-1817
25. 02-R-1818
26. 02-R-1819
27. 02-R-1820
28. 02-R-1821
29. 02-R-1822
30. 02-R-1823
31. 02-R-1824
32. 02-R-1825
33. 02-R-1826

**ITEMS ADVERSED****ON CONSENT AGENDA**

34. 02-R-1827
35. 02-R-1828
36. 02-R-1829
37. 02-R-1830
38. 02-R-1831
39. 02-R-1832
40. 02-R-1833
41. 02-R-1834
42. 02-R-1835
43. 02-R-1836
44. 02-R-1837
45. 02-R-1838
46. 02-R-1839
47. 02-R-1841
48. 02-R-1842
49. 02-R-1843
50. 02-R-1844
51. 02-R-1845

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Consent I Vote: 13 Yeas; 0 Nays (See RCS #4209)

Items Removed from Consent: 02-R-1871; 02-R-1885; 02-O-1879

(Initial Consent Vote Reconsidered; See RCS #4162 & RCS #4208)